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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,886

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EXAMINER

TRIGGS, ANDREW J

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

02/26/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,886	Applicant(s) STEVENS, DONALD A.	
	Examiner Andrew J. Triggs	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 21 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/25/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Examiner acknowledges the election of claims 1-20 without traverse.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 6,631,598 to Raineri.

Regarding claim 1, Raineri teaches, in Figure 3 [annotated below], a framing system (A) that has a plank member (B) that has a front, generally flat, surface and an opposing back surface with at least one rib (C) protruding therefrom or at least one receptor pocket (D) extending therein. Raineri also teaches a frame member (E) of an underlying structure having at least one receptor pocket (F) extending therein or at least one rib (G) protruding therefrom, wherein the frame member (E) rib (G) or pocket (F) is matable with the plank member (B) pocket (D) or rib (C). Raineri also teaches the at least one rib (C and G) has a profile with a first side (H) and a second side (J) which diverge from one another as they extend away from the member (B and E) to which they are attached and then converge (Column 2, Lines 13-22). Finally, Rainer teaches the maximum height of a rib (C and G) occurs at the place of maximum divergence and the receptor pocket (D and F) has a minimum width less than that of the maximum height of the rib (C

and G) such that the rib (C and G) may be captured within the receptor pocket (D and F).

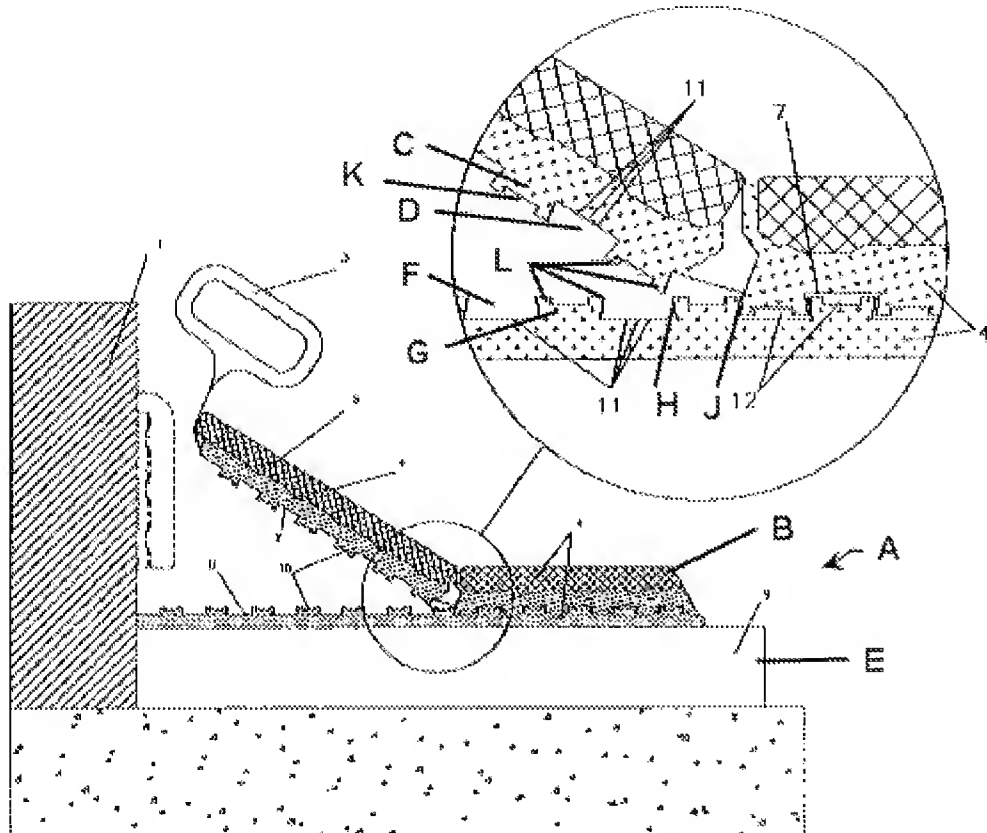


FIG. 3

Regarding claim 2, Raineri teaches, plank member (B) and the frame member (E) are secured to one another through the engagement of the at least one rib (C and G) with the at least one receptor (D and F) pocket.

Regarding claim 3, Raineri teaches in Figure 3, that one element (B) is inserted into the other (E) from above. The ribs (C and G) have a profile with sides that diverge (H and J). If the sides (H and J) of the ribs (C and G) were not resilient, the ribs (C

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and G) could not be inserted into the receptors (D and F) since the tips of the edges would interfere. Thus the at least one rib is resilient.

Regarding claim 4, Raineri teaches, in Figure 3, that the at least one rib (C) has a hollow interior (K) and the rib (C) bends for resiliency [as noted in claim 3].

Regarding claims 5-7, Raineri teaches, as per claim 3, the ribs (C and G) are resilient.

Thus: the material of the at least one rib is capable of resilient bending, the rib is made of a resilient material that compresses for resiliency, and the rib is solid and the material is compressible.

Regarding claims 8 and 9, Raineri teaches in Figure 3, that one element (B) is inserted into the other (E) from above. The ribs (C and G) have a profile with sides that diverge (H and J). If the sides (H and J) of the ribs (C and G) and receptors (D and F) were not resilient, the ribs (C and G) could not be inserted into the receptors (D and F) since the tips of the edges would interfere. Thus the at least one receptor pocket (D and F) has walls which are resilient and the walls of the at least one receptor pocket (D and F) must be pushed apart to accommodate the rib (C and G).

Regarding claim 10, Raineri teaches, in Figure 3, that at least one rib (C and G) has barbs (L) on it.

Regarding claim 11, as per claim 3, Raineri teaches that the ribs are resilient. However, this is just the edge of the rib to enable the rib to be inserted into the pocket. The rib itself is rigid since it stays in place as the rib is inserted into the pocket.

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Regarding claim 12, Raineri teaches, in Figure 3, that the at least one receptor pocket (F) is within the frame member (E) and wherein the at least one rib (C) is within the plank member (B).

Regarding claim 13, Raineri teaches, in Figure 3, that the at least one rib (C) is a separate piece (7) secured to the back surface of the plank member (B).

Regarding claim 14, Raineri teaches, in Figure 3, that the at least one receptor pocket (D) is in the plank member (B) and the at least one rib (G) is in the frame member (E).

Regarding claims 15 and 16, Raineri teaches, in Figure 3, that each plank member (B) interlocks with an adjacent plank member (B) and the plank members (B) are overlapping with adjacent plank members (B).

Regarding claim 17, Raineri teaches, in Figure 3 [annotated above], a plank member (B) comprising: a front, generally flat, surface and an opposing back surface with the at least one rib protruding therefrom (C); wherein the at least one rib (C) has a profile similar to another rib with a first side (H) and a second side (J) which diverge from one another as they extend away from the member (E) to which they are attached and then converge; wherein the maximum height of a rib (C) occurs at the place of maximum divergence such that the rib (C) is adapted to be received within a receptor pocket (F) having a minimum width less than that of the maximum height of the rib (C).

Regarding claim 18, Raineri teaches in Figure 3, that one element (B) is inserted into the other (E) from above. The ribs (C and G) have a profile with sides that

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diverge (H and J). If the sides (H and J) of the ribs (C and G) were not resilient, the ribs (C and G) could not be inserted into the receptors (D and F) since the tips of the edges would interfere. Thus the at least one rib is resilient.

Regarding claim 19, Raineri teaches, in Figure 3 [annotated above], a frame member (E) of an underlying structure, wherein the frame member (E) comprises: at least one receptor pocket (F) extending therein, wherein the pocket (F) is adapted to receive a rib (C); wherein the receptor pocket (F) has a minimum width less than that of the maximum height of the rib (C) such that the rib (C) may be captured within the receptor pocket (F).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,631,598 to Raineri.

Regarding claim 20, as per claim 19, Raineri teaches a frame member of an underlying substructure. Raineri does not teach the frame member is a C-shaped structural member. However, Raineri does teach that the portion (7) containing the ribs (G) and pockets (F) is separate and attached via adhesive (4). The portion (7) would have been capable of being attached to a C-shaped structural member, thus allowing planks (B) to be attached to the structural member. Therefore, the

invention as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew J. Triggs whose telephone number is 571-270-3657. The examiner can normally be reached on Monday through Thursday 6:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635

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/Andrew J Triggs/
Examiner, Art Unit 3635